

- Sec.
- (c) Payment into section 944 fund operating as assignment.
 - (d) Institution of proceedings or compromise by assignee.
 - (e) Recoveries by assignee.
 - (f) Institution of proceedings by person entitled to compensation.
 - (g) Compromise obtained by person entitled to compensation.
 - (h) Subrogation.
 - (i) Right to compensation as exclusive remedy.
934. Compensation notice.
935. Substitution of carrier for employer.
936. Insurance policies.
937. Certificate of compliance with chapter.
938. Penalties.
- (a) Failure to secure payment of compensation.
 - (b) Avoiding payment of compensation.
 - (c) Effect on other liability of employer.
939. Administration by Secretary.
- (a) Prescribing rules and regulations; appointing and fixing compensation of employees; making expenditures.
 - (b) Establishing compensation districts.
 - (c) Furnishing information and assistance; directing vocational rehabilitation.
940. Deputy commissioners.
- (a) Appointment; use of personnel and facilities of boards, commissions, or other agencies; expenses and salaries.
 - (b) Appointment in Territories and District of Columbia; compensation.
 - (c) Transfers to other districts; temporary details.
 - (d) Maintaining offices.
 - (e) Records and papers.
 - (f) Conflict of interest.
941. Safety rules and regulations.
- (a) Safe place of employment; installation of safety devices and safeguards.
 - (b) Studies and investigations by Secretary.
 - (c) Inspection of places and practices of employment.
 - (d) Requests for advice; variations from safety rules and regulations.
 - (e) Jurisdiction to restrain violations.
 - (f) Violations and penalties.
 - (g) Inapplicability to certain employments.
942. Annual report.
943. Repealed.
944. Special fund.
- (a) Establishment; administration; custody, trust.
 - (b) Disbursements; bond of custodian.
 - (c) Payments into fund.
 - (d) Investigations; records, availability; recordkeeping; provisions of sections 49 and 50 of title 15 applicable to Secretary.
 - (e) Depositories; investments.
 - (f) Limitation of liability.
 - (g) Audit by Comptroller General; finality of payment determinations; credits of disbursing officers.
 - (h) Civil actions for civil penalties and unpaid assessments.
 - (i) Proceeds available for certain payments.
 - (j) Audit to Congress.
- 945 to 947. Repealed.
948. Laws inapplicable.

- Sec.
- 948a. Discrimination against employees who bring proceedings; penalties; deposit of payments in special fund; civil actions; entitlement to restoration of employment and compensation, qualifications requirement; liability of employer for penalties and payments; insurance policy exemption from liability.
949. Effect of unconstitutionality.
950. Separability.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 5 section 8171; title 30 sections 931, 932; title 42 sections 251, 405, 1651, 1653, 1702; title 43 section 1333.

§ 901. Short title

This chapter may be cited as “Longshore and Harbor Workers’ Compensation Act.”

(Mar. 4, 1927, ch. 509, §1, 44 Stat. 1424; Pub. L. 98–426, §27(d)(1), Sept. 28, 1984, 98 Stat. 1654.)

AMENDMENTS

1984—Pub. L. 98–426 substituted “Longshore” for “Longshoremen’s”.

EFFECTIVE DATE OF 1984 AMENDMENT

Section 28(a)–(g) of Pub. L. 98–426 provided that:

“(a) Except as otherwise provided in this section, the amendments made by this Act [enacting section 942 of this title, amending this section, sections 902 to 910, 912 to 914, 917 to 919, 921 to 923, 928 to 935, 938 to 940, 944, and 948a of this title, and section 932 of Title 30, Mineral Lands and Mining, repealing sections 945 to 947 of this title, and enacting provisions set out as notes under this section and section 907 of this title] shall be effective on the date of enactment of this Act [Sept. 28, 1984] and shall apply both with respect to claims filed after such date and to claims pending on such date.

“(b) The amendments made by sections 7(a), 7(e), 8(f), 11(b), 11(c), and 13 [amending sections 907, 908, 912, and 914 of this title] shall be effective 90 days after the date of enactment of this Act [Sept. 28, 1984] and shall apply both with respect to claims filed after such 90th day and to claims pending on such 90th day.

“(c) The amendments made by sections 2(a), 3(a), 5, and 8(b) [amending sections 902, 903, 905, and 908 of this title] shall apply with respect to any injury after the date of enactment of this Act [Sept. 28, 1984].

“(d) The amendments made by sections 6(a), 8(d), and 9 [amending sections 906, 908, and 909 of this title] shall apply with respect to any death after the date of enactment of this Act [Sept. 28, 1984].

“(e)(1) The amendments made by sections 2(c), 8(c)(1), 8(e)(4), 8(e)(5), 8(g), 10(b), 15 through 20, and 22 through 27 [enacting section 942 of this title, amending this section and sections 902, 908 to 910, 914, 918, 919, 921 to 923, 928 to 932, 934, 935, 938 to 940, 944, and 948a of this title, repealing sections 945 to 947, and enacting provisions set out as a note under this section] shall be effective on the date of enactment of this Act [Sept. 24, 1984].

“(2) The amendments made by sections 7(b), 7(c), 7(d), and 8(h) [amending sections 907 and 908 of this title] shall be effective 90 days after the date of enactment of this Act [Sept. 28, 1984].

“(f) The amendments made by section 6(b) [amending section 906 of this title] shall apply with respect to any injury, disability, or death after the date of enactment of this Act [Sept. 28, 1984].

“(g) For the purpose of this section—

“(1) in the case of an occupational disease which does not immediately result in a disability or death, an injury shall be deemed to arise on the date on which the employee or claimant becomes aware, or in the exercise of reasonable diligence or by reason of medical advice should have been aware, of the disease; and

“(2) the term ‘disability’ has the meaning given such term by section 2(10) of the Act [section 902(10) of this title] as amended by this Act.”

EFFECTIVE DATE

Section 52, formerly § 51, of act Mar. 4, 1927, renumbered Oct. 27, 1972, Pub. L. 92-576, § 19, 86 Stat. 1263, provided that: "Sections 39 to 48, 50 to 52 [50 to 52, formerly 49 to 51, renumbered Pub. L. 92-576, § 19], inclusive [sections 939 to 948, 949, and 950 of this title], shall become effective upon the passage of this Act [Mar. 4, 1927], and the remainder of this Act shall become effective on July 1, 1927."

SHORT TITLE OF 1984 AMENDMENT

Section 1(a) of Pub. L. 98-426 provided that: "this Act [enacting section 942 of this title, amending this section, sections 902 to 910, 912 to 914, 917 to 919, 921 to 923, 928 to 935, 938 to 940, 944, and 948a of this title, and section 932 of Title 30, Mineral Lands and Mining, repealing sections 945 to 947 of this title, and enacting provisions set out as notes under this section and section 907 of this title] may be cited as the 'Longshore and Harbor Workers' Compensation Act Amendments of 1984'."

SHORT TITLE OF 1972 AMENDMENT

Pub. L. 92-576, § 1, Oct. 27, 1972, 86 Stat. 1251, provided: "That this Act [enacting section 948a, amending sections 902, 903, 905 to 910, 912 to 914, 917, 919, 921, 921a, 923, 927, 928, 933, 935, 939, 940, and 944 of this title, and enacting and amending provisions set out as notes under this section and section 902 of this title] may be cited as the 'Longshoremen's and Harbor Workers' Compensation Act Amendments of 1972'."

REFERENCES TO LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

Section 27(d)(2) of Pub. L. 98-426 provided that: "Reference in any other statute, regulation, order, or other document to the Longshoremen's and Harbor Workers' Compensation Act shall be deemed to refer to the Longshore and Harbor Workers' Compensation Act."

FEDERAL RULES OF CIVIL PROCEDURE

Application of chapter, see rule 81, Title 28, Appendix, Judiciary and Judicial Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 30 section 932.

§ 902. Definitions

When used in this chapter—

(1) The term "person" means individual, partnership, corporation, or association.

(2) The term "injury" means accidental injury or death arising out of and in the course of employment, and such occupational disease or infection as arises naturally out of such employment or as naturally or unavoidably results from such accidental injury, and includes an injury caused by the willful act of a third person directed against an employee because of his employment.

(3) The term "employee" means any person engaged in maritime employment, including any longshoreman or other person engaged in longshoring operations, and any harbor-worker including a ship repairman, shipbuilder, and ship-breaker, but such term does not include—

(A) individuals employed exclusively to perform office clerical, secretarial, security, or data processing work;

(B) individuals employed by a club, camp, recreational operation, restaurant, museum, or retail outlet;

(C) individuals employed by a marina and who are not engaged in construction, replacement, or expansion of such marina (except for routine maintenance);

(D) individuals who (i) are employed by suppliers, transporters, or vendors, (ii) are temporarily doing business on the premises of an employer described in paragraph (4), and (iii) are not engaged in work normally performed by employees of that employer under this chapter;

(E) aquaculture workers;

(F) individuals employed to build, repair, or dismantle any recreational vessel under sixty-five feet in length;

(G) a master or member of a crew of any vessel; or

(H) any person engaged by a master to load or unload or repair any small vessel under eighteen tons net;

if individuals described in clauses (A) through (F) are subject to coverage under a State workers' compensation law.

(4) The term "employer" means an employer any of whose employees are employed in maritime employment, in whole or in part, upon the navigable waters of the United States (including any adjoining pier, wharf, dry dock, terminal, building way, marine railway, or other adjoining area customarily used by an employer in loading, unloading, repairing, or building a vessel).

(5) The term "carrier" means any person or fund authorized under section 932 of this title to insure under this chapter and includes self-insurers.

(6) The term "Secretary" means the Secretary of Labor.

(7) The term "deputy commissioner" means the deputy commissioner having jurisdiction in respect of an injury or death.

(8) The term "State" includes a Territory and the District of Columbia.

(9) The term "United States" when used in a geographical sense means the several States and Territories and the District of Columbia, including the territorial waters thereof.

(10) "Disability" means incapacity because of injury to earn the wages which the employee was receiving at the time of injury in the same or any other employment; but such term shall mean permanent impairment, determined (to the extent covered thereby) under the guides to the evaluation of permanent impairment promulgated and modified from time to time by the American Medical Association, in the case of an individual whose claim is described in section 910(d)(2) of this title.

(11) "Death" as a basis for a right to compensation means only death resulting from an injury.

(12) "Compensation" means the money allowance payable to an employee or to his dependents as provided for in this chapter, and includes funeral benefits provided therein.

(13) The term "wages" means the money rate at which the service rendered by an employee is compensated by an employer under the contract of hiring in force at the time of the injury, including the reasonable value of any advantage which is received from the employer and included for purposes of any withholding of tax under subtitle C of title 26 (relating to employment taxes). The term wages